

REMARKS/ARGUMENTS

In the claims, Claims 106-129 have been cancelled. Claims 130-142 have been newly added. The amendment to the claims, as presented herein, is not made for the purpose of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Support for the amendment can be found in the present application. Accordingly, no question of new matter should arise, and entry of this amendment is respectfully requested.

Claims 1-105 and 130-142 are pending.

In response to the Restriction Requirement that was filed on October 29, 2007, Applicants provisionally elected, with traverse, the invention of Group IV (Claims 106-129) directed to a process for the isolation and purification of insulin from recombinant sources consisting of treatment of the expression broth/culture medium containing the expressing cells with water miscible organic solvent followed by chromatography in an expanded mode. This was in response to the Restriction requirement that mailed to the Applicants from the USPTO on September 27, 2007.

In addition to the above restriction requirement, the Office (through the Examiner) has indicated further election of species as detailed in the communication that mailed from the USPTO to the applicants on December 31, 2007. Applicants provisionally elect, with traverse, the following species to be examined on the merit:

1. Miscible organic solvents: isopropanol,

2. Concentration of the miscible organic solvent: of about 20 % v/v of the solvent,
3. pH: pH of about 3.
4. A specific amino: arginine,
5. Salt : urea.

The Examiner has further requested Applicants to identify the claims that read on the elected species. Claims 130-142 that have replaced the previously elected claims of Group IV read on the elected species. In the previously not elected Groups I-III, Claims 1-8, 19-24, 84-94, 97-15 read on the elected species.

It may be noted that, in the event that the restriction requirement(s) are not withdrawn, the applicants reserve the right to file divisional application(s) claiming the non-elected claims. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks herein, is respectfully requested. Further, applicants includes herewith amendments to certain of the pending claims made in an effort to more clearly particularly point out and distinctly claim the invention. Support for the amendments are to be found in the original claims and the Specification as filed.

Applicants would urge that the present claims of all 4 groups do in fact relate to form a single inventive concept. Specifically the claims are related to a process for enhanced recovery of recombinant insulin.

Further the applicants urge that the search of species of claims as a single invention is appropriate since they are so closely related as to constitute a single concept and endeavor. Moreover, it is submitted that Applicants should not be required to incur

the additional costs associated with the filing of other patent applications (divisional applications) in order to have protection for the claimed subject matter. For instance, due to the relatedness of the claims in Groups I –IV, they can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

Applicant would note that the Examiner, in setting out the basis of the restriction requirement for has failed to present evidence of this burden before a restriction requirement is made (MPEP 808-808.02)

Thus, the restriction requirement is properly traversed. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

The non-elected claims have not been cancelled in order to reserve the right to pursue the subject matter and to reserve the right to seek appropriate review of the restriction requirements at the appropriate time. Upon indication of allowability of the elected claims, the elected claims may be canceled upon receiving applicants' permission.

Applicant respectfully requests favorable consideration of the present application and a timely examination of all of the pending claims.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

If there is a need for an extension of time so this response can be timely filed, the Commissioner is hereby authorized to charge any fees which may be required

regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

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